

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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WYETH,

Plaintiff,

v.

IMPAX LABORATORIES, INC.,

Defendant.

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C. A. No. 06-222 (JJF)

**WYETH'S MOTION TO STRIKE IMPAX'S UNENFORCEABILITY AND UNCLEAN  
HANDS AFFIRMATIVE DEFENSES UNDER FED. R. CIV. P. 12(f), AND TO DISMISS  
IMPAX'S UNENFORCEABILITY COUNTERCLAIMS UNDER FED. R. CIV. P. 12(b)(6)**

Wyeth hereby moves to strike under Fed. R. Civ. P. 12(f) the Fourth Affirmative Defense of Impax Laboratories, Inc. ("Impax"), alleging that the patents-in-suit are unenforceable due to unclean hands. (D.I. 7 at 7, ¶ 47). Wyeth further moves to dismiss under Fed. R. Civ. P. 12(b)(6) Impax's Counterclaims seeking a declaration that the patents-in-suit are unenforceable. (*Id.* at 10, ¶¶ 67-69). The grounds for this motion are set forth in Wyeth's opening brief, filed herewith.

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/s/ Karen Jacobs Loudon

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May 12, 2006  
520119

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on May 12, 2006 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Mary B. Matterer  
MORRIS, JAMES, HITCHENS & WILLIAMS, LLP

I also certify that copies were caused to be served on May 12, 2006 upon the following in the manner indicated:

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